



RECEIVED

APR 16 2007

State of Washington
DEPT. OF ECOLOGY
Application for a Water Right

Please follow the attached instructions to avoid unnecessary delays.

For Ecology Use

Fee Paid \$50.00 pdDate 4/16/07

Section 1. APPLICANT - PERSON, ORGANIZATION, OR WATER SYSTEM

Name Chris Renoud Home Tel: (360) 201 - 5000
Mailing Address 492 W. Lake Samish Dr Work Tel: (360) 201 - 5000
City Bellingham State WA Zip+4 98229 + FAX: (360) 733 - 7905

Section 2. CONTACT - PERSON TO CALL ABOUT THE APPLICATION

☐ Same as above

Name _____ Home Tel: (____) ____ - ____
Mailing Address _____ Work Tel: (____) ____ - ____
City _____ State _____ Zip+4 _____ + FAX: (____) ____ - ____
Relationship to applicant _____

Section 3. STATEMENT OF INTENT

The applicant requests a permit to use not more than 0.01 (☐ gallons per minute or ☒ cubic feet per second) from a ☐ surface water source or ☐ ground water source (check only one) for the purpose(s) of Human Consumption, food, beverage, Sanitation. ATTACH A "LEGAL" DESCRIPTION OF THE PLACE OF USE. (See instructions.) NOTE: A tax parcel number or a plat number is not sufficient.

Estimate a maximum annual quantity to be used in acre-feet per year: 0.5☐ Check if the water use is proposed for a short-term project. Indicate the period of time that the water will be needed:

From ____/____/____ to ____/____/____

Section 4. WATER SOURCE

If SURFACE WATER						If GROUNDWATER		
Name the water source and indicate if stream, spring, lake, etc. If unnamed, write "unnamed spring," "unnamed stream," etc.: <u>Lake Samish</u>						A permit is desired for _____ well(s).		
Number of diversions: _____								
Source flows into (name of body of water):						Size & depth of well(s):		
LOCATION								
Enter the north-south and east-west distances in feet from the point of diversion or withdrawal to the nearest section corner:								
¼ of	¼ of	Section	Township	Range(E/W)	County	If location of source is platted, complete below:		
						Lot	Block	Subdivision
<u>150' South</u>	<u>1050' East</u>	<u>35</u>	<u>37</u>	<u>3E</u>	<u>Whatcom</u>	<u>344</u>	<u>3</u>	<u>El Reposa Place</u>
For Ecology Use Date Received: <u>4/16/07</u> Priority Date: <u>4/16/07</u>								
SEPA: <u>Exempt</u> /Not Exempt FERC License # _____ Dept. Of Health # _____								
Date Accepted As Complete <u>4/16/2007</u> By <u>DKJ</u> Date Returned _____ By _____ WRIA: <u>3</u>								

Appl. No.: 51-28493

Section 5. GENERAL WATER SYSTEM INFORMATION

- A. Name of system, if named: _____
- B. Briefly describe your proposed water system. **(See instructions.)**
The second system would be just like the first. A buried water line goes from the unit to the water with a submersible pump.
- C. Do you already have any water rights or claims associated with this property or system? ☒ YES ☐ NO
PROVIDE DOCUMENTATION. *Included*

Section 6. DOMESTIC / PUBLIC WATER SUPPLY SYSTEM INFORMATION (Completed for all domestic/public supply uses.)

- A. Number of "connections" requested: 1 Type of connection Home / Duplex
(Homes, Apartment, Recreational, etc.)
- B. Are you within the area of an approved water system? ☐ YES ☒ NO
If yes, explain why you are unable to connect to the system. *Note: Regional water systems are identified by your County Health Department.*

Complete C. and D. only if the proposed water system will have fifteen or more connections.

- C. Do you have a current water system plan approved by the Washington State Department of Health? ☐ YES ☐ NO
If yes, when was it approved? _____ Please attach the current approved version of your plan.
- D. Do you have an approved conservation plan? ☐ YES ☐ NO
If yes, when was it approved? _____ Please attach the current approved version of your plan.

Section 7. IRRIGATION/AGRICULTURAL/FARM INFORMATION (Complete for all irrigation and agriculture uses.)

- A. Total number of acres to be irrigated: _____
- B. List total number of acres for other specified agricultural uses:
- | | |
|-----------|-------------|
| Use _____ | Acres _____ |
| Use _____ | Acres _____ |
| Use _____ | Acres _____ |
- C. Total number of acres to be covered by this application: _____
- D. Family Farm Act (Initiative Measure Number 59, November 3, 1977, as amended by Chapter 237, Laws of 2001)
Add up the acreage in which you have a controlling interest, including only:
‡ Acreage irrigated under water rights acquired after December 8, 1977;
‡ Acreage proposed to be irrigated under this application;
‡ Acreage proposed to be irrigated under other pending application(s).
1. Is the combined acreage greater than 6000 acres? ☐ YES ☐ NO
2. Do you have a controlling interest in a Family Farm Development Permit? ☐ YES ☐ NO
If yes, enter permit no: _____
- E. Farm uses:
Stockwater - Total # of animals _____ Animal type _____ (If dairy cattle, see below)
Dairy - # Milking _____ # Non-milking _____

Section 8. WATER STORAGE

Will you be using a dam, dike, or other structure to retain or store water?

☐ YES ☒ NO

NOTE: If you will be storing 10 acre-feet or more of water and/or if the water depth will be 10 feet or more at the deepest point, and some portion of the storage will be above grade, you must also apply for a reservoir permit. You can get a reservoir permit application from the Department of Ecology.

Section 9. DRIVING DIRECTIONS

Provide detailed driving instructions to the project site.

From I-5 Take Exit 242, drive west $\approx \frac{1}{2}$ mile to W. Lake Samish Dr.
Go North on W. Lake Samish Dr. ~~8~~ about 1 mile to
492 W. Lake Samish Dr.

Section 10. REQUIRED MAP

A. Attach a map of the project. (See instructions.)

Section 11. PROPERTY OWNERSHIP

A. Does the applicant own the land on which the water will be used? ☒ YES ☐ NO
If no, explain the applicant's interest in the place of use and provide the name(s) and address(es) of the owner(s):

B. Does the applicant own the land on which the water source is located? ☒ YES ☐ NO
If no, submit a copy of agreement:

I certify that the information above is true and accurate to the best of my knowledge. I understand that in order to process my application, I grant staff from the Department of Ecology access to the site for inspection and monitoring purposes. Even though I may have been assisted in the preparation of the above application by the employees of the Department of Ecology, all responsibility for the accuracy of the information rests with me.


Applicant (or authorized representative)

3/21/07
Date

Same
Landowner for place of use (if same as applicant, write "same")

Date

Use this page to continue your answers to any questions on the application. Please indicate section number before answer.

We are returning your application for the following reason(s):	
____ Examination fee was not enclosed	APPLICANT PLEASE RETURN TO CASHIER, PO BOX 5128, LACEY, WA 98509-5128
____ Section number(s) _____ is/are incomplete	APPLICANT PLEASE RETURN TO THE APPROPRIATE REGIONAL OFFICE
Explanation:	
Please provide the additional information requested above and return your application by _____ (date).	

Ecology staff _____ Date _____


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Assessor

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Parcel Summary	Tax Summary	Tax Detail	Assessment/History	Appeals/Permits/Sales	Building Details	Map List
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370335 389550 0000

Building Details

Building: 1 of 1 Appraisal Date: 11/16/2006 Appraiser: LR

Type: **DUPLX** Found: Basmt: 896 Addnl Imprvmts
 Yr Bld: 1960 Heat: F/A Type1: STOR
 Style: 1 STY Bdrms: 2 Gar Typ:
 Bath: 1 GarSqFt: 0 SqFt1: 52
 1/2Bth: 0 Gar Ext: Siding:
 Remod: 0 Contct: Gar Rf: Rf Cov:
 Siding: SI/ST SqFt1: 896 Cp SqFt: 420
 Rf Cov: BLTUP SqFt2: 0 Cp Rf: Addnl Imprvmts
 SqFt3: 0 Cp Flr: Type2:
 Attic: 0 Enc Pch: 0
 Loft: 0 Deck: 320 SqFt2: 0
 Tot SF: 896 Patio: 320 Siding:
 Rf Cov:

Other Misc Improvements: 0

Comments

NC-DK+PATIO ADDNS LD ADJ-EXCESS

Building Summary

Commercial/Farm/Manual Calc Improvements: 0
 Summary Total Values Building 1 of 1: 79,172

Land Segment Details

Method	Class	Use	Quantity	Rate	Adj%	Value	Waterfront	View	Topog/Type	Service	Ab
Frt Ft	Improv	1220	90	2700	90	218,700		MAR	Clear Sloping		

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Parcel Summary	Tax Summary	Tax Detail	Assessment/History	Appeals/Permits/Sales	Building Details	Map List
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370335 389550 0000

Site address: 492 W LAKE SAMISH DR
 Legal EL REPOSA PLACE
 Description: THAT PTN OF GOVT LOT 1 DAF-LOTS 3-4-PTN

OF LOT 5 BLK 3 DAF-BEG AT NW COR OF LOT

5-TH S 89 DEG 57'14" E ALG N LI OF LOT 5
 24.25 FT-TH S 69 DEG 17'12" W 20 FT TO

Owner: CHRISTOPHER RENOUD
 492 W LAKE SAMISH DR
 BELLINGHAM WA 98229-9368

Taxpayer: CHRISTOPHER RENOUD

Property Characteristics

	Assessed Value	Total Acres
Land:	218,700	.47
Imp:	79,170	
Total:	297,870	

Land Use: 1220 RESIDENTIAL DUPLEXES
 Tax Dist: 1040 501 F9 SAMW EMS9
 Zoning: RES RURAL 2DU/A
 Tax Status: TAXABLE

F/P? N
 F/P Ac: .00
 Exempt Prog:

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WHATCOM COUNTY
PLANNING & DEVELOPMENT SERVICES
5280 Northwest Road, Suite B
Bellingham, WA 98226



HAL H. HART, AICP
Director
ROLAND MIDDLETON, AICP
Land Use Division Manager

April 6, 2004

Chris Renoud
492 W. Lake Samish Drive
Bellingham, WA

RE: Duplex located at 492 W. Lake Samish Drive, Bellingham, WA , Parcel # 370335-389550

File Number NON2004-00004

Dear Mr. Renoud:

I have reviewed your request for legal nonconforming status for the cabin located on the above referenced property. Based on the review of all documentation submitted by you, your representative and information available to Whatcom County, I have made the following determinations:

1. In a signed and notarized affidavit, dated March 24, 2004, Mr. Chris Renoud stated that the date of commencement for the nonconforming use (duplex) was in 1960. The exact date was unknown. This Affidavit of Nonconforming Use states that the date of the adoption of the applicable code is unknown.
2. In a signed affidavit, dated February 10, 2004, Mr. Winson Renoud, states that he has lived adjacent to the property in question for a period of 32-years. Mr. W. Renoud states that to the best of his knowledge the structure located at 492

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Page: 3 of 7

4/13/2004 12:10 PM

LETR \$25.00

Whatcom County, WA

Request of: CHRIS RENOLD

W. Lake Samish Drive has never been modified into a single-family dwelling during the 32-years he has lived next door.

3. In a signed affidavit, not dated, Ms. Marilyn Belles and Mr. David Belles, state that the property was built in 1960 by Harold and Elmira Johnson in 1960. They state that the intention of building a duplex was so that Elmira Johnson would have additional income to support herself, if/when her husband passed away. They state that Norine and Otto Muller inherited the property and have also rented the lower unit until they passed away last year when their inheritors sold the property to Mr. Chris Renoud in March 2003.
4. In a signed affidavit, not dated, Mr. Greg Erickson states that the property has been used as a duplex for as long as he can remember. He states that he specifically recollects other neighbors commenting that the lower unit was rented and that the house was originally built as a duplex, because it is the only duplex around. Mr. Erickson Currently resides at 526 W. Lake Samish Drive.
5. In a signed affidavit, dated February 26, 2004, Ms. Kelly Sue Henson states that she has lived next door of the subject property for the past seven (7) years and that she can attest that the lower unit was occupied up to the time the previous owner (Otto Muller) passed away, about one (1) year ago.
6. Three colored photos were submitted by the applicant of the subject property; one from the road side of the property showing the address and two from the shoreside of the property showing the rear deck and patio. All three of the photos had a date of 3/19/04 hand written on them. The applicant also submitted two oblique aerial photographs showing the duplex existing on the property. Both aerial photos had a date 1990, hand written on them.
7. The applicant submitted numerous documents from the Whatcom County Assessor's Office showing the value of the property from 1961 through 1985.
8. Analysis of archived photographs (1961, 1976 and 1995 aerial photos from the Whatcom County's Engineering Office all show the same structure as it exists today.
9. A site visit was conducted on April 2, 2004, to confirm that indeed there are two separate dwelling units in one structure. The upper unit has a front entrance facing the street, while the lower unit has a front entrance facing the North property line.
10. The following is a brief background of the history and the zoning pertaining to regulations pertaining to this property:
 - A. Prior to July 6, 1972, Whatcom County had no zoning regulations.

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Page: 4 of 7

4/13/2004 12:10 PM

LETR \$25.00

Whatcom County, WA

Request of: CHRIS RENOUD

- B. July 6, 1972 to November 26, 1973, this property was zoned Unclassified (U) under the Interim Zoning for Whatcom County. The U zoning district allowed any use not otherwise prohibited by law.
- C. November 26, 1973 to May 1, 1986, this property was zoned Residential Rural 3 Families per Acre (RR3) under the Interim Zoning for Whatcom County. The RR3 zoning district allowed One, two, or three family dwellings as permitted uses (2.24.170.051)
- D. May 1, 1986 to Present, this property is zoned Residential Rural 2 Dwellings per Acre (RR2) under the adopted Official Whatcom County Zoning Ordinance. The RR2 zoning district restricts development of dwelling units to the following:
 - (20.32.051) One single family dwelling per lot.
 - (20.32.52) (1) In short term planning areas only, single-family attached dwellings; provided that not more than two units are attached and the number of dwelling units conforms to the density requirements of this district.
(2) Outside short term planning areas, single-family dwellings only.

- 11. Under current Whatcom County Zoning (Whatcom County Code 20.83.010), if a nonconforming use is discontinued for a period of 12 months or more, any future use of said building, land or premises shall be consistent with the provisions of current regulations.

Based on these determinations, legal nonconforming status is granted for a duplex on parcel number 370335-389550 located at 492 W. Lake Samish Drive, Bellingham, WA.

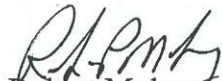
Pursuant to Whatcom County Code 20.83.050, if a nonconforming use or physical feature of a building or group of buildings on one site is damaged or destroyed by any means, that use shall be permitted to be rebuilt equal to the square footage of damaged or destroyed building(s), for the same use and location on the site.

It is important to note that, although nonconforming status has been granted, the use was established prior to the adoption of prohibitive zoning ordinances. Whatcom County accepts no responsibility for the condition of the site should any health or safety issues arise from said use of the property. According to Whatcom County Zoning (Whatcom County Code 20.83.010), if a nonconforming use is discontinued for a period of 12 months or more, any future use of said building, land or premises shall be consistent with the provisions of current regulations. Additionally, a Zoning Conditional Use Permit must be obtained prior to expanding the nonconforming use, unless otherwise exempted by the Whatcom County Land Use Division.

Pursuant to WCC 20.83.130, any person may appeal this determination to the Whatcom County Hearing Examiner within 20 calendar days from the date of this letter. An appeal must be accompanied by a completed appeal form, a fee of \$175 and a statement including evidence substantiating the basis for the appeal.

If you have any questions or concerns regarding this matter please contact me at this office.

Sincerely,



Robert Mulrooney
Land Use Specialist
Whatcom County

2040402173

Page: 6 of 7

4/13/2004 12:10 PM

LETR \$25.00

Whatcom County, WA

Request of: CHRIS RENOUD

Dated this 12th day of April, 1992004

WHATCOM COUNTY

Robert Mulrooney
Robert Mulrooney
Planning and Development Services

STATE OF WASHINGTON)
COUNTY OF WHATCOM) ss.

On this 12th day of April, 2004, before me personally appeared
Robert Mulrooney to me know to be the person individually or jointly
described in and who executed the above instrument and who acknowledged to me the act of
signing and sealing thereof.



Denise M. Doezenia
NOTARY PUBLIC, in and for the State of
Washington, residing at Blaine WA
My Commission Expires Feb 9, 2008

2040402173

Page: 7 of 7

4/13/2004 12:10 PM

LETR \$25.00

Whatcom County, WA

Request of: CHRIS RENOUD

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
CERTIFICATE OF WATER RIGHT



Surface Water

(issued in accordance with the provisions of Chapter 117, Laws of Washington for 1917, and amendments thereto, and the rules and regulations of the Department of Ecology.)



Ground Water

(issued in accordance with the provisions of Chapter 263, Laws of Washington for 1943, and amendments thereto, and the rules and regulations of the Department of Ecology.)

PROPERTY DATE January 31, 1991	APPLICATION NUMBER S1-26053	PERMIT NUMBER S1-26053 P	CERTIFICATE NUMBER S1-26053 C
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NAME

Oito and Norine Muller

ADDRESS (STREET)

492 West Lake Samish Dr.

(CITY)

Bellingham

(STATE)

WA

(ZIP CODE)

98226

This is to certify that the herein named applicants has made proof to the satisfaction of the Department of Ecology of a right to the use of the public waters of the State of Washington as herein defined, and under and specifically subject to the provisions contained in the Permit issued by the Department of Ecology, and that said right to the use of said waters has been perfected in accordance with the laws of the State of Washington, and is hereby confirmed by the Department of Ecology and entered of record as shown, but is limited to an amount actually beneficially used.

PUBLIC WATERS TO BE APPROPRIATED

SOURCE

Lake Samish

TRIBUTARY OF (IF SURFACE WATERS)

Friday Creek

MAXIMUM CUBIC FEET PER SECOND

0.01

MAXIMUM GALLONS PER MINUTE

MAXIMUM ACRE-Feet PER YEAR

0.5

QUANTITY, TYPE OF USE, PERIOD OF USE

Single domestic supply, continuously

LOCATION OF DIVERSION/WITHDRAWAL

APPROXIMATE LOCATION OF DIVERSION/WITHDRAWAL

150 feet south and 1050 feet east from the north quarter corner of Section 35, Township 37 N, Range 3 E

LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION)

NE 1/4 NW 1/4 NE 1/4

SECTION

35

TOWNSHIP N

37

RANGE (E. OR W.) W 1/4

3 E

W 1/4

3

COUNTY

Whatcom

RECORDED PLATTED PROPERTY

LOT

3 & 4

BLOCK

3

OF (GIVE NAME OF PLAT OR ADDITION)

El Reposo Place

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

El Reposo Place Blk:3 Lot 3:4 Parcel Number- 370335 389550 0000

CERTIFICATE

PROVISIONS

This right shall be subject to a flow augmentation program for Friday Creek. Friday Creek's flow must be supplemented with Lake Samish water to ensure a flow of 2.0 cfs as measured downstream from the Nulle Road bridge. Flow augmentation must start when the flow measured downstream from the Nulle Road bridge drops below 2.0 cfs, as determined by the Department of Ecology.

The homeowner shall hook up to a public water system for domestic supply when available.

Non-essential water use may be curtailed in extreme drought years.

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, except as provided in RCW 90.03.380, 90.03.390, and 90.44.020.

This certificate of water right is specifically subject to relinquishment for nonuse of water as provided in RCW 90.14.180.

*Given under my hand and the seal of this office at Bellevue, Washington,
this 30th day of June, 1995.*

Department of Ecology

ENGINEERING DATA

OK _____

by Stephen J. Hirschey
Stephen J. Hirschey, Section Supervisor, Water Resources

FOR COUNTY USE ONLY

Bellingham area, Washington, United States



Block 3,

#492

W.LK.SAMISH

ORIG. LOT LINE

El Reposa Place

Parcel A

S 89°57'14" E

NEW 5' WATERLINE EASEMENT

#488
W. LK.
SAMISH

Parcel B

Vol. 7, Pg. 7

(OVERHEAD)
P
TV

N 37°59'14" W
9.00'

24.31'
20.00'
N 69°17'12" E

GARAGE

78.48'
DRI

LAKE

30'

SAMISH

LF

S 3

Lake